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A MARXIAN CRITIQUE OF NONIDEAL THEORY

by

TYLER VAN WULVEN

Under the Direction of Peter Lindsay, PhD

ABSTRACT

This paper takes issue with the methodological framework and practices of nonideal theory. I argue that nonideal theory, while attempting to offer a substantive alternative to ideal theory, fails to deliver on its promises insofar as it takes a *juridical view* of society. The juridical view involves the overwhelming dependence on, employment of, and requirements of the concept of justice. I contend that nonideal theory should instead adopt a more Marxian approach to social and political philosophy which involves, *inter alia*, viewing society as an interworking and interdependent totality of needs, production relations, and ideas. Finally, I argue that the juridical view is misguided and, as a result, that nonideal theory, to the extent that it wants to distinguish itself from the dominance of ideal theory, should abandon the discourse of justice altogether.

INDEX WORDS: Nonideal Theory, Ideal Theory, Justice, Marx, Charles Mills, Critique

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A Thesis Submitted in Partial Fulfillment of the Requirements for the Degree of

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in the College of Arts and Sciences

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INTRODUCTION

1971 marks two seminal events for this paper. The first is Noam Chomsky's and Michel Foucault's televised discussion about human nature, justice, and power. During a point in the discussion, Chomsky claims that one task of intellectuals is to design a future just society: "we should know something about where we think we are going" and we can do this on the basis of identifying a firm conception of human nature (43). Foucault is skeptical about this basis, and worrisome over the potential perniciousness of ideal societies — he has in mind the horrors of Soviet Russia. Chomsky ultimately responds by saying that we need some ideal, even if we cannot reach it, in order to know where we are going. Foucault, however, remains skeptical of notions like human nature and justice, arguing that they are "all notions and concepts which have been formed within our civilization, within our type of knowledge and our form of philosophy" (57-8).

1971 also saw the release of John Rawls' landmark work, *A Theory of Justice*. Rawls' *Theory*, and subsequent works, have in large part dominated political philosophical discourse ever since. Rawls' views on justice align more with Chomsky than Foucault. "Justice," Rawls believes, "is the first virtue of social institutions" and therefore central to social and political philosophy (1999, 3).

In recent years, some political philosophers have been engaged in a methodological discussion not too distant from Chomsky's and Foucault's conversation. The discussion exists between ideal and nonideal theorists. The former defend a Rawls-like methodology: identify principles of justice for an ideal, or well-ordered, society. Nonideal theorists, by contrast, seek to pull political philosophy away from this ideal realm in order to theorize more realistic or

existing, i.e., nonideal, conditions, but remain committed to identifying what justice is and what it requires.

In a sense, then, Foucault's skeptical position is absent. While nonideal theorists want to distance themselves from idealization, they maintain an interest in employing ideals like justice. In other words, ideals are not the problem, overly-idealized ideals are the problem. And this brings nonideal theory closer to the methodology of its purported rival. This paper is an attempt to bring Foucault's skeptical position back into debates concerning approaches to social and political philosophy by drawing on the work of Karl Marx.

For those in some way dissatisfied with the dominance of Rawlsian-thinking within contemporary political philosophy, the prospect of a *nonideal* theory appears both refreshing and intriguing. Upon closer inspection, however, nonideal theory is really no more than ideal theory applied to nonideal circumstances. Thus, in spite of its good intentions, nonideal theory has failed to live up to its potential as a unique alternative to Rawlsian-style ideal theorizing. One of its glaring mistakes, or so I shall argue, is its inability to break with a juridical view of society. That is, the view that actions, persons, groups, institutions, social schemes, economic distributions, etc., are viewed and analyzed through the lens of justice. In short, nonideal theory's use of 'justice' — *an ideal* — proves problematic.

My intention here is to defend two interrelated theses. The first holds that nonideal theory is hardly an alternative to ideal theory. Both are very much contained, for the most part, within Rawlsian a framework. As such, they approach social and political philosophy in a very similar manner: namely, by attempting to identify principles of justice. My second thesis seeks to highlight the problematic nature of justice and therefore cast doubt on its importance for nonideal political theorizing. I will do this by drawing heavily on Marx's approach to social and political

analysis. So, if nonideal theory wants to challenge the hegemony of ideal theorizing, it would benefit from breaking with the justice-seeking and justice-adjudicating tradition.

Part 1 begins by recounting the history of the divide in the work of John Rawls. Next, I examine the current debate and discuss the extent to which nonideal theory fails to fully break with ideal theory. I further defend this position by examining the work of Charles Mills. In Part 2, I reconstruct several aspects of Marx's method and explore its implications. I then defend, and seek to fortify, a Marxian critique of justice directed towards nonideal theory. In Part 3, I attempt to forestall several objections.

1 THE PROBLEM WITH NONIDEAL THEORY

1.1 History of the Distinction

While the history of political thought contains much disagreement about realistic and utopian thinking, the ideal/nonideal theory debate in contemporary political philosophy derives from the work of John Rawls. Rawls explains that it is intuitive to think of a theory of justice as being comprised of two parts: the ideal and the nonideal. However, rather than being contrary to one another, Rawls (1993) explains that “ideal theory ... is a necessary complement to nonideal theory without which the desire for change lacks an aim” (285).

“The first or ideal part” Rawls (1999) tells us, “assumes strict compliance and works out the principles that characterize a well-ordered society under favorable conditions” (216). Favorable conditions include sufficient resources and development such that they can “sustain a constitutional democracy, which is, for Rawls, what a well-ordered society needs to be” (Swift & Stemplowska 2012, 375). Rawls (1999) writes that “Natural and other resources are not so abundant that schemes of cooperation become superfluous, nor are conditions so harsh that fruitful ventures must inevitably break down” (110). To assume strict compliance means that all, or nearly all, persons accept and adhere to the principles of justice that would govern a well-ordered society. Assuming strict compliance allows for the theoretical work that is necessary in order to identify the principles of justice.¹

According to Rawls, then, ideal theory seeks to identify the principles of justice that would regulate a well-ordered society; strict compliance and favorable conditions are the tools he employs to achieve that end.

¹ For a detailed defense of the merits of assuming strict compliance, see Stemplowska, *What's Ideal About Ideal Theory?* (2008) 326-329.

Nonideal theory, by contrast, can take two routes according to Rawls and is “worked out after an ideal conception of justice has been chosen” (1999, 216). In both formulations, nonideal theory immerses itself in nonidealized conditions, i.e., assumptions of *partial* compliance or *unfavorable* conditions. On one hand, nonideal theory can be understood as theorizing about how to implement the goals laid out by ideal theory. As such, it seeks to “guide our actions in order to move closer towards the ideals of society” (Robeyns 2008, 346).² On the other hand, it might consider topics of punishment, just war, civil disobedience, rectification, etc. — i.e. deviations from ideal justice. In short, nonideal theory concerns itself with *injustice*.

In closing, ideal theory provides the principles of justice — *the ideal* — while nonideal theory sets itself the task of actualizing, and handling deviations from, the ideal. On Rawls’s view, ideal theory provides the only basis for the systematic grasp of our more pressing problems (1999, 8). The necessity of ideal theory has recently proved quite contentious in contemporary political philosophy. It has given rise to a rather heated debate, to which we now turn.

1.2 Debate or Distinction

The ideal/nonideal theory debate is typically cast as one between rival theorists which centers around the usefulness of ideal theory. As Laura Valentini (2009) puts it, “there is a worry that the gap between liberal egalitarian ideal theories and our non-ideal circumstances might be unbridgeable” (333). In other words, can ideal theory be a useful tool given our nonideal circumstances? Valentini (2012) divides the debate into three strands.

² Robeyns notes that action-guidance in nonideal circumstances is often referred to as *transitional justice*. Transitional is nonideal insofar as it seeks to rectify deviations from ideal justice and/or move *toward* the ideal *from* the nonideal. For example, Reparations Theory is often described as transitional, i.e. nonideal, theory.

First, some argue that ideal theory fails to offer determinate guidance about what we ought to do in our nonideal circumstances with an emphasis on *partial compliance*. That is, how should we think about what is required of us in circumstances where others are not doing what is required of them? For instance, it is relatively straightforward how I ought to act in a situation where a group of friends and I are dividing up a bar bill if everyone agrees to pay for their own drinks; but ideal theory does not provide guidance for how I should act when only *some* members of the group are willing to pay their fair share. As a result, these nonideal theorists suggest shifting ideal theory's focus to deal with *partial*, rather than full, compliance. Second, some nonideal theorists attack the usefulness of unrealistic theorization, citing the inability of such an approach to provide an accurate *understanding* of the nature of political reality in addition to guidance. For example, focusing on idealized rational choosers who make decisions behind a veil of ignorance often involves overlooking or neglecting the relevant historical antagonisms that shape societies while also overlooking the possibility of ideological influence on intuitions and decision making. Third, there is a debate about whether or not the normative conclusions of nonideal theory require or presuppose fully fleshed out pictures of ideal societies. That is, does identifying injustice presuppose, require, or entail a theory of justice?

Quite clearly, all three of these strands overlap in various ways. The focus of this paper, however, lies in the overlap between the first and second strand. Suffice it to say, then, that for our purposes, critics of ideal theory question or attack the usefulness of its idealizations, its abstractions from real world problems and considerations, its (resultant) inability to guide action, and its impoverished understanding of real politics. For example, Colin Farrelly (2007) claims that ideal theory fails to account for empirical conditions that simply cannot be avoided, e.g. that rights cost money and that enforcing some comes at the cost of not being able to enforce others.

In addition, Charles Mills (2005) attacks ideal theory for neglecting crucial social pathologies like oppression and racism, illustrates ideal theory's idealized and unrealistic social ontology, describes its inability to deal with rectificatory justice, and has labelled it ideological in the pejorative sense. Farrelly and Mills have, as a result of their criticisms, inspired many defenses of ideal theory.

What I want to point out, and what is often neglected, is the ideological overlap between these so-called rival theorists. Both ideal and nonideal theorists operate on the same theoretical presuppositions about politics and society. And while this is hardly a controversial claim, the ideological overlap among ideal and nonideal theorists receives little attention in the literature surrounding this debate. Thus, with so much attention paid to the ways in which ideal and nonideal theorists diverge, one can easily mistake a rather small disagreement within liberal theory for a “methodological turn in political philosophy” as Valentini (2012) has remarked (654). The so-called ideal/nonideal theory debate is, in my view, largely a debate about justice and what justice requires. Consider the following.

In his seminal work, Rawls sought to identify the principles of justice to regulate the basic structure of a well-ordered society. Rawls' well-ordered society, however, according to nonideal theorists, insofar as it is an attempt to design a realistic utopia, abstracts from too many of the difficulties that we encounter in the real world. As a result, nonideal theorists argue that political philosophy needs to address this worry by producing theories of justice — i.e. how society ought to be structured, what we ought to do, how we ought to do it — that *engage with the difficulties* from which Rawls, and now Rawlsians, abstract. But notice, nonideal theorists remain just as committed to justice as Rawls was; they simply feel that Rawls' focus was misguided. Furthermore, as I will argue in the next section, this dissatisfaction with Rawls *does*

not lead nonideal theorists to abandon his project, but rather to *reconceptualize* and *reorient* it.

Therefore, just as Rawls sought, and Rawlsians continue to seek, theories of social justice, so too do nonideal theorists like Charles Mills and Colin Farrelly advance similar projects.

Consequently, both sets of theorists take a juridical view of society.

According to Allen Wood (1972), for theorists with a juridical view of society, concepts like *right* and *justice* are “the highest rational standards by which laws, social institutions, and human actions can be judged” (246). Citing Engels, Wood notes that justice is taken to be, by the philosopher and the common person, “the fundamental principle of all society, ... the standard by which to measure all human things, ... the final judge to be appealed to in all conflicts” (1972, 245). In other words, contemporary liberal political theory largely reduces social and political philosophy to a field which attempts to defend ‘the just’ as well as identify what justice entails, why it entails what it does, and how it can be achieved. Whether a theorist is concerned with the basic structure, public policy, political action, historical transgressions, etc., justice and what it requires is practically synonymous with theorizing regardless of ideal or nonideal affiliation. In Part 2, I will argue that this view is problematic because it misrepresents a determinate, context-dependent notion of justice as transcendentally, objectively, or necessarily true. As such, the juridical view results in a one-sided and thus distorted approach to social analysis.

To make the matter more concrete, it is as if nonideal theorists take a metal-detector-type instrument and wave it over a particular action, situation, institution, etc., deem it unjust, and then make a claim about how that action, situation, or institution needs to be rearranged in order to meet some antecedently formulated conception of justice. As a result of this employment of a predetermined notion of justice (and consequent juridical view), nonideal theory retains an *ideal*

strain by adopting justice as its metric. This version of political philosophy, by virtue of its dedication to liberal justice, differs from ideal theory only in terms of its orientation. While ideal theory is concerned with justice abstracted from the messiness of social and political complexity, nonideal theory, in an attempt to bring political philosophy back down to earth, does not fully break with this tradition; it merely supplements it. Stated differently, nonideal theory does not offer a distinct method of political philosophical inquiry but instead operates by applying moral ideals (shared, at least nominally, by ideal theorists) to nonideal circumstances, something that any ideal theorist would welcome. As such, nonideal theory is like the precocious little brother of ideal theory, thumbing his nose at his older brother. But even in spite of this contrarianism, nonideal theory remains very much a member of the liberal, justice-seeking and justice-adjudicating family.

In Part 2, I will explore three problems with this approach: (i) that it often fails to properly understand the contextual complexity of a given situation; (ii) that it mistakes a context-dependent ideal for a universal one; and (iii) that nonideal theory's representation of justice as a *moral* ideal is incoherent. Before moving on to these points, however, to further develop and defend this thesis, let us take a look at the work of one of ideal theory's staunchest critics: Charles Mills.

1.3 Justice and Nonideal Theory

A great deal of Mills' work aims at highlighting the absence of attention paid to racial justice in political philosophy. Thus Mills directs most of his criticism toward Rawls' system, the neglect of race/racism in the explosion of Rawlsian secondary literature since the 1970s, and ideal theory. To combat this neglect of race and historical injustice, Mills suggests that a "crucial

starting-point ... must be the exit from ideal theory” which has “become a central obstacle to discussing and realizing racial justice” (2015, 58). What we need instead, Mills urges, “are the principles that are to guide us in the transition from” non-well-ordered societies to well-ordered (specifically non-racist) ones (2015, 61). Consequently, Mills is dedicated to identifying *principles*, specifically principles of *corrective* justice (to be contrasted with *distributive* justice). This approach brings Mills, in spite of his dedication to theorizing the nonideal, much closer to Rawls and ideal theory than anyone seems to acknowledge. Despite all his inspiring criticisms, in many of his critical and positive works, Mills fails to break with the presuppositions of ideal theory on the basis of his commitment to justice and, by extension, the juridical view. He does this in broadly two ways.

First, Mills wants to reconceptualize, rather than do away with or reject, liberal ideals. Mills makes several arguments about the need for nonideal theory to uncover what is so often obscured in normative values, e.g., autonomy. “[O]nly through nonideal theory,” explains Mills, “are we sensitized to the need to balance this value [i.e. autonomy] against other values, *and rethink it*” (2005, 177; emphasis added). Abstract normative values are not the problem; it is the *content* of these normative concepts that is problematic. More specifically, these concepts often obscure relevant relations of power and exploitation. For instance, the idea of autonomy often disregards those groups that provide the conditions for autonomy: e.g., a system of forced labor, the role of women, etc.

Mills’ attempt to reconceptualize Rawls’ veil of ignorance in order to provide a nonideal theory of corrective justice provides us with a good example of his overall project. In short, Mills (2017) calls for a thinner veil, one in which we know that our basic structure is historically unjust. What, he asks, would we agree to behind a veil of ignorance when lacking knowledge

about our place in a *racially oppressive society* (2017, 213)? Mills contends that we would seek principles of corrective justice. So, whereas Rawls' approach to identifying the principles of justice involves abstracting away from certain realities in order to constrain potentially problematic intuitions, Mills wants to remove certain constraints in order to arrive at more *historically-informed* principles, i.e. principles of corrective justice (2017, 212). What separates Mills from Rawls, then, is not a difference in approach, but simply a difference in focus — i.e., the *form* of the approach is the same while the *content*, and therefore the output, is different. Mills' focus is more historical and thus nonideal, but it is not decidedly different from Rawls' approach: Mills is simply reworking and reorienting Rawls. As a result, Mills' dedication to reconceptualization utilizes a modified version of Rawls' ideal theoretical framework, which further highlights the philosophical relation between ideal and nonideal theory. Crucially, Mills is working within a Rawlsian framework.

Second, Mills does not reject idealization nor the use of ideals. On Mills' view, like ideal theory, “nonideal theory can and will use ideals ... what distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual” (2005, 168). Mills is explicit that these ideals include “*moral* ideals,” which he describes as ideals dictating how people should act and treat each other as well as how society should be structured (168). In sum, while ideals may vary depending on the theorist, he maintains that all will have *some* ideal. He defends this position in two ways. Firstly, he argues that, given the nature of “normative/prescriptive/evaluative issues,” all ethical analyses are in a sense generically ideal (2005, 166). Again, the problem is not ideals as such, but ideals reached beyond a defensible level of abstraction. Secondly, Mills' conscious avoidance of relativism leads him to believe in the necessity of ideals. To not employ abstractions means “the mainstream apparatus (for

example, of *justice and rights*) then becomes a necessarily alien tool in the oppressor's arsenal, rather than a weapon to be used and turned against him. *One can no longer demand gender or racial justice*" (2005, 174; emphasis added). In other words, criticism of accepted views *requires* the use of ideals to be both effective and coherent.

Thus, we see an explicit commitment to the notion of justice but one that differs from ideal theory, again, in terms of content — a content that only the perspective of nonideal theory can deliver. Abstract moral ideals as such are not the problem; it is ideal theory's abstractions that are problematic on account of their tendency to obscure crucial realities. But notice what Mills is objecting to: namely, the problem of "*deficient* abstractions, not ... abstractions *tout court*. What one wants are abstractions ... that capture the essentials [specifically oppression] ... not abstract away from them" (2005, 173). To reiterate once more, Mills is still seeking to identify normative ideals, principles of justice and their requirements; he simply wants more enlightened ideals — "principles that illuminate rather than obfuscate the reality of different kinds of subordination" (2005, 73).

As mentioned previously, Mills is not the only nonideal theorist who smuggles ideal theory into his nonideal theory. Colin Farrelly's overall criticism of ideal theory further supports the dedication to justice in nonideal theory. He writes

The disagreement between those political philosophers who feel inclined to invoke highly abstract hypotheticals when deriving the principles of justice, and those political theorists who take seriously real, non-ideal considerations, *is a disagreement over how fact-sensitive a theory of distributive justice ought to be*. (2007; 844, emphasis added)

Moreover, he argues that "political philosophers should advance *theories of justice* that adopt a critically reflective attitude towards their own background empirical assumptions concerning what is realistically possible" (845, emphasis added). Thus Farrelly provides a further example

of nonideal theory's dedication to justice. Unlike Mills, he maintains an interest in distributive, as opposed to corrective, justice — but his interest is nonetheless concerned with justice.

Given Mills' project of reconceptualizing principles of justice, his use of moral ideals, and his conscious avoidance of relativism, along with Farrelly's dedication to empirically informed theories of justice, much of nonideal theory takes a juridical view of society. As a result, Mills and Rawls and Farrelly are very much in the same business: the business of developing theories and principles of social justice.

In an article defending ideal theory, Zofia Stemplowska (2008) provides us with a helpful insight in her discussion of normative theoretical structures. All theories have structures, she writes, chief among them being that they have inputs and outputs (323). The inputs of ideal theorists utilize certain assumptions that some nonideal theorists find problematic. For example, while discussing equality, fairness, and justice in the family, Mills explains that these concepts “require empirical input and an awareness of how the real-life, *nonideal* family actually works” (2005, 178). What I have been trying to draw attention to is the commitment to, in Stemplowska's terms, the normative structure.

Again, Mills and Farrelly vehemently disagree with Rawls and ideal theorists about precisely what ought to be taken into account when theorizing, and they consequently arrive at different conclusions about what justice requires — different inputs will result in different outputs. But neither Rawls nor ideal theory nor Mills nor Farrelly deny the centrality of justice — the normative structure, the *juridical view*. Based on this commitment to justice, nonideal theory is hardly an alternative to ideal theory. And for reasons I will now explore, I find this dedication to justice problematic.

2 THE MARXIAN METHOD

Thus far I have argued that ideal and nonideal theorists subscribe to the same theoretical presuppositions concerning their approach to society and politics: namely, both subscribe to a juridical view of society which consists in taking justice to be the central concern of inquiry, analysis, and judgement. In Part 2, I draw on Marx's approach to society to illustrate why giving justice this status is problematic.

It seems necessary to begin with an argument about why Marx's work is relevant to this discussion. Put differently, why should non-Marxists care about Marx's views on society? I think this is a silly question. It seems to assume that anyone whose conclusions one finds meritless or confused or misguided is therefore not worthy of study. Such a position is clearly false.

Importantly, however, I do not believe that my use of Marx is one that non-Marxists should be hesitant to endorse. In short, I have extracted from Marx what I take to be some of his insights which aim to comprehend the workings of society: namely, needs, production, relations, and ideas. In an increasingly secular society, these insights appear rather uncontroversial and I take their lack of controversy to be a justification for why we have good reason to endorse Marx's claims about justice that follow from this short list. I do not mean to claim that this is an exhaustive list, but I do not think it is any less correct or relevant for its lack of determinacy.

Thus, my answer to the question about why non-Marxists should care about Marx's thought is because I think he has relevant, important, and insightful views on the way society functions, that these views are not especially controversial, and that, if we accept them, we have good reason to endorse his views on justice and morality.

Thus, my discussion of his work is not meant to alienate non-Marxists, but rather to show that political philosophers, specifically nonideal theorists, could enhance their work by taking him more seriously.

For Marx, the idea of justice depends on a given mode of production. The mode of production denotes the way in which a given society goes about satisfying its historically-contextualized needs with the means of production that it has at its disposal. The way in which these means of production are utilized conditions specific relations between persons — e.g., who owns these productive forces, what roles individuals in the society will occupy, the distribution of goods produced, etc. In other words, society is best understood as a totality of interconnected, interworking, and interdependent parts.

But to truly understand the Marxian critique of justice, one must undertake an examination of his approach to the analysis of society. To that end, the subsequent sections outline (i) what I take to be 4 constituent aspects of Marx's method, (ii) the critique of justice this method entails, and (iii) a critique of nonideal theory's use of justice.

.

2.1 Needs, Production, Relations, Consciousness

There are, on my reading, four intermingling aspects of Marx's method that are intrinsic to understanding his approach to social analysis: needs, production, material or social relations, and the formation of ideas. The Marxian view of society is not, however, reducible to any of these aspects alone. Instead, society should be understood as composed of these four *interdependent* aspects, all of which *determine*, and *are determined* by, one another, and all of which are

historically-contextualized and historically-variable. Society is thus a totality of interworking and interdependent parts.

Marx writes in *The German Ideology* that human beings, in order to maintain their existence, must respond to and satisfy certain needs (156). This fact of life remains just as much a central concern today as it has throughout human history; however, while biological needs are more constant, human needs can and do change over time and are often historically-contextualized, e.g. the need for money. Therefore, Marx concludes, “in any interpretation of history one has first of all to observe this fundamental fact in all its significance and all its implications and to accord it its due importance” (156).

Second, humans must *produce* the means to satisfy their needs. The means available for material production will constrain and determine the powers and capacities of both individuals within a society as well as the society as a whole. Further, understanding production is not simply reducible to understanding need. “Production,” Marx writes, “not only supplies a material for the need, but it also supplies a need for the material” (*Gr*; 230). So, needs and their satisfaction, consumption and production, act reflexively upon each other. Just as need and consumption can determine production, so too can production determine consumption and need.

Third, needs and their satisfaction presuppose and condition the relations of persons to one another. Marx therefore points out that “there exists a materialistic connection of men with one another, which is determined by their needs and their mode of production, and which is as old as men themselves ... [and is] ever taking on new forms” (*GI*; 157). Thus, production and reproduction bring about new social and economic relationships. Marx seems to have economic relations in mind primarily, but it nonetheless follows that a mode of production will affect other forms of social relations, e.g., marriage, political institutions, etc. Therefore, understanding

human relationships requires grasping the way needs and production condition human relations, and *vice versa*.

Fourth, from these social relationships arises consciousness which is, on Marx's view, "a social product, and remains so as long as men exist at all" (*GI*; 158). Further, just as the production of ideas is initially "directly interwoven" with material activity and reality, "[t]he same applies to mental production as expressed in the language of politics, laws, morality, religion, metaphysics, etc., of a people." (*GI*; 150). In other words, understanding the beliefs, ideas, norms, etc., of a given person or society requires an investigation into how, when, and why those ideas arose at all. Finally, then, the fourth aspect of the Marxian method is the historically-contextualized nature of beliefs, ideas, philosophies as well as their practical application in legal and political institutions.

In sum, then, we can see why Marx argues that "[t]he writing of history must always set out from these natural bases and their modification in the course of history through the action of men" (*GI*; 150). While our concern is not with history but rather political philosophy, I believe we can *and should* appropriate Marx's insight and apply it to the latter. These aspects of Marx's approach, taken together, offer a more comprehensive approach to both understanding *and* diagnosing social and political phenomena. More specifically, however, they reveal several problems for the juridical view.

2.2 Marx on Morality and Justice

Marx holds that not only will legal and political institutions reflect the material life of humans, but so too will beliefs and ideas. If the beliefs of a given society reflect the mode of production, the only way to understand those ideas will be to examine them in relation to their

genesis and development. Additionally, it follows that if ideas are tied to a given mode of production, moral ideas *too* will reflect, in one way or another, a given mode of production. Think, for example, of values associated with different epochs. Marx, in a criticism of historians who detach the ruling ideas of an era from their material basis, points out that ruling ideas *change*. Thus honor and loyalty were the values of the aristocracy while freedom and equality are the values of bourgeois society. In later years, Engels declared that “[we] reject every attempt to impose on us any moral dogma whatsoever as eternal, ultimate and forever immutable ethical law on the pretext that [morality] has its permanent principles which stand above history” (726). He continues

morality has always been class morality; it has either justified the domination and the interests of the ruling class, or, ever since the oppressed class became powerful enough, it has represented its indignation against this domination. (726)

Therefore, for Marx and Engels, just as social relations and social institutions are always in flux, the ideas that arise out of material existence are also in flux. Now, how does this affect justice?

The answer is that justice is affected in precisely the same way; however, the term justice can be understood in both a legal and a moral sense. Given that, for Marx, “every form of production creates its own legal relations, form of government, etc.,” it follows that justice, the concept typically used to describe legal phenomena, is itself an idea that arises in, and is conditioned by, the existing mode of production (*Gr*; 226). A given era, according to Marx’s method, will contain a social totality of needs, productive forces, and social, economic, and political relations that determine the overall form of social organization. Part of this overall form is the legal and political apparatus that both grows out of, and helps to develop and fortify, the rules and practices of society. These developments, rules, and regulations determine, in one sense, what is just. Consequently, justice, like morality, can have no transhistorical or

transsocietal determinate content — it is determinable at a given moment, but never abstractly determinate. Thus, that it is just to enslave a large number of human beings at one moment and that it is unjust to do so at another lends support to Marx's view: namely, justice can be determinate and identifiable at any given moment, but it does not retain the same determinacy from era to era, place to place. Appeals to abstract justice, then, are historically-contextualized expressions misrepresented as universal.

Allen Wood (1972) is helpful on this point. On Wood's reading of Marx, 'just' actions are those "transactions [that] fit the prevailing mode [of production], they serve a purpose relative to it" (1972, 256). What is just, then, is a matter of what maintains the existence and reproduction of the social totality as a whole. Again, the legitimacy of Fugitive Slave Act of 1850 expressed the idea that society cannot reproduce itself (in its current form) if slave labor is unenforceable.

To adopt a juridical view, then, entails that one takes these legal and political determinations as if they *do not* presuppose a given social totality composed of interrelated and interworking parts. As Wood explains, such a view "is essentially one-sided, and to adopt it as the fundamental standpoint from which to judge all social reality is to adopt a distorted conception of that reality" (1972, 255). Again, the juridical view is a distortion precisely because in taking some particular notion of justice as the primary metric of a given society, one neglects the way in which ideas about justice arise, not to mention the way in which societies function so as to reproduce themselves. The juridical view confuses a context-dependent idea for an abstract one.

Furthermore, the juridical view is equally problematic for its neglect of society as a totality that contains needs, production, relations, and ideas which condition and are conditioned

by each other. Whatever justice means at a given historical moment must be understood in its broader social and political context. So long as identifying principles of justice is the central concern, developing a proper understanding of how so-called injustices arise, for what reasons, in what way, as a result of what needs, production, and relations of power, etc., will be secondary and potentially, if not often, overlooked.

Therefore, because ‘justice-seeking’ and ‘justice adjudicating’ ignore the centrality of civil society and the interdependency of social phenomena within a given mode of production, we can see how nonideal theory adopts a flawed view of society. As Wood explains:

Abstracted from a concrete historical context, all formal philosophical principles of justice are empty and useless; when applied to such a context, they are misleading and distorting, since they encourage us to treat the concrete context of an act or institution as accidental, inessential, a mere occasion for the pure rational form to manifest itself. (1972, 257)

In other words, to use justice as nonideal theory does — as an abstract, pure, moral, or metaphysical concept — is to misunderstand what justice *is*. Therefore, the nonideal theorist’s employment of justice, like their ideal theorist counterparts’, is simply confused. Stated differently, abstract justice, from the Marxian understanding of society as a totality of interdependent moments, is a contradiction in terms.

2.3 The Critique of Justice in Nonideal Theory

As I mentioned in the previous section, the concept of justice has varying semantic use. Often, nonideal theorists use the term in a *moral*, rather than a *legal*, sense. How might a nonideal theorist respond to the Marxian critique of justice? The most likely objection seems to be that Marx’s view is simply incorrect, and that I am engaged in a purely semantic criticism. Nonideal theorists, I think, would point to the idea of justice as a moral, rather than a legal, term.

Thus, we must distinguish between several types of justice. On the one hand we have Marx's conception which takes the concept to be a contextualized legal term; call this Legal Justice (LJ). On the other hand, we have moral justice, which takes justice to be a moral ideal. Marx's LJ is historically-contextualized and historically-variable. Moral justice, *prima facie*, seems like it can be transhistorical/transsocial *or* socially/historically-relative. The former implies that principles of justice are applicable to any and all societies in any and all times according to some verifiable conception of justice. The latter implies that justice in the moral sense can only be applied to historical epochs and societies that share the same conception of justice that the critic employs. To put the matter in other terms, the former entails that one conception of justice can adjudicate or criticize across time and place, while the latter can only adjudicate or criticize those who share similar beliefs about justice. Thus, moral justice has a strict and loose form. Let's call moral justice in the strict, transhistorical/transsocial sense Hard Moral Justice (HMJ) and justice in the loose, socially/historically relative sense Soft Moral Justice (SMJ).

Insofar as SMJ is socially, historically, and culturally relative, we could not apply it to social phenomena transhistorically or transsocially. It seems implausible that nonideal theory in its current form would commit to SMJ. Recall Mills' dedication to generalism over particularism: without utilizing justice or rights, "one can no longer demand gender or racial justice" (2005, 174). Moreover, Mills defends the necessity of a "universalist, intertranslatable, not incommensurable measure of rights or well being" (ibid). To be sure, it is unclear here whether Mills wants commensurable principles to be *commensurable confined to liberal societies* or *commensurable across all (including illiberal) societies*. Given his dedication to reconceptualizing Rawls' original position for a nonideal theory of justice, his frequent attacks

on the Western political philosophical tradition, attention paid to the history of colonialism, and his adherence to a universalist “measure of rights or well-being,” I find it unlikely that Mills would want to limit himself to a non-universal SMJ. Therefore, it seems that nonideal theory, at least in Mills’ iteration, would most likely adopt Hard Moral Justice in order to retain universality.

2.3.1 The Problem with HMJ

The justification for such universalism in contemporary political thought is often associated with a Rawlsian approach; that is, just principles are those that align with sufficiently constrained intuitions and considered judgements arrived at by the process of reflective equilibrium from behind a veil of ignorance. For example, principles which affirm that all persons should be treated equally before the law, that goods ought to be fairly distributed, or that slavery is morally reprehensible and inherently unjust, are all examples of principles we are likely to agree upon from behind the veil of ignorance. In the abstract, there might be no problem with these points; *however*, the abstract ideal gets instantiated in different ways over different times, places, and populations. For instance, in determining what a person *is*, historical intuitions will vary since, historically, slaves or barbarians or the uncivilized are not considered to be persons and thus ought not to be treated as equals before the law or even in a general sense. Similarly, one can delimit slavery in different ways, e.g., so as to outlaw chattel slavery while neglecting the abject dependency involved in many instances of wage-slavery. To a 21st century western liberal, economic egalitarianism might appear to be, *prima facie*, the just default distribution from behind a veil of ignorance. And while there are good reasons to support an egalitarian view, reasonable people can and will disagree. Therefore, it is exceedingly easy to

affirm, or assent to, abstract ideals which we justify insofar as they align with our intuitions. But as Marx's approach highlights, these intuitions are never fixed and thus always subject to change depending on time, location, age, etc. And, on such a Rawlsian approach, given the change in intuitions, we can expect a change in principles of justice across time, location, age, etc.

The problem with abstract justice, then, is its inherent emptiness. "What is 'a fair distribution'?" Marx once asked, "Do not the bourgeois assert that the present-day distribution is fair? And is it not, in fact, the only fair distribution on the basis of the present-day mode of production?" (*CGP*; 528). Thus, what is just means, especially in nonideal theory, what is just *for some historically-contextualized person, group, institution, mode of production, etc.* because the person, group, institution, etc., is not some *abstract* individual, not some *idealized* person who would agree to some just scheme if they were sufficiently rational, self-interested, and constrained behind a veil of ignorance, but a *real person* with particular experiences, surroundings, prejudices, relationships, social capital, etc. — in short, someone existing in a particular mode of production. On Marx's view, justice in the moral sense is never anything more than distinct, class-informed *justice*. The upshot is that justice has no timeless form or content in either the legal or the moral sense. What justice is, and what it requires, depends on its content — content determined by the mode of production. And content — like needs, modes of production, and social relations — changes over time.

Thus, we arrive back at the Marxian critique of justice: namely, that even when justice fancies itself a transcendental moral concept — HMJ — its historically-varying instantiations reveal it to be nothing more than a dependent moment within a social totality. Nonideal theory must, then, utilize an SMJ.

2.3.2 *The Problem with SMJ*

For several reasons, SMJ won't work for Mills either. First, SMJ, given its relativity, is not a monolithic conception of justice since there are likely to be *several* SMJs in a given society at any given time. Recall Engels' point from section 2.2: justice is always *justice from a certain social perspective*, e.g., bourgeois versus proletarian justice. This is one reason why Mills preferred a universalist conception: namely, to adjudicate between rival conceptions. Now, one might object that nonideal theory's conception can better cohere with social and historical reality than other conceptions. But if this is the objection, I fail to see why nonideal theory needs to hold on to the idea of justice at all. If nonideal theory wants to engage in revealing problematic conceptions of justice, or *Ideologiekritik*, it need not presuppose any conception of justice, it need only engage in a critical project aimed at uncovering illusory beliefs — like ill-informed conceptions of justice — something for which a Marxian approach is exceedingly useful.

Second, from this perspective, one is also unable to criticize across history. Mills, however, as we've seen, puts a premium on historically unjust basic structures: colonialism, slavery, Jim Crow. These structures, he maintains, are injustices that need to be corrected. However, Mills must presuppose HMJ if he wants to *morally* criticize structures of oppression that happened under different conceptions of moral justice. Thus, the historical injustices for which Mills has developed principles of corrective justice can't be called injustices at all since SMJ can only deem unjust that which subscribes to a similar conception of justice.

Therefore, it is unclear to me how Mills can coherently employ the idea of moral justice in his nonideal theory. Now, this conclusion does not mean that nonideal theory is a futile enterprise; in fact, I think it is extremely important to political philosophy. I do, however, think that it needs to relinquish its juridical view in order to offer a more coherent and effective

approach to social analysis. To attain this goal, I believe that it should adopt crucial Marxian insights to the study of society, not only to avoid the problematic juridical approach, but also to better engage with the complex and dynamic network of society and politics.

After all, the juridical view is not just conceptually problematic, but practically problematic. In other words, is nonideal theory in its current form really engaging with the messy, irrational, problematic nature of social and political organization and activity? Both Rawls' and Mills' approach emphasize moral approaches to political philosophy. In my view, however, when we are concerned with identifying what actions, institutions, policies, structures, events, etc., are *wrong* or *unjust*, we run the risk of overlooking how such actions, institutions, policies, structures, events, etc., arise, function, and reproduce themselves. For example, we can morally condemn the rise of fascism in America as *wrong* or *unjust*, but if we are interested in combating such dangerous and ignorant ideologies, or if we are interested in saying what's wrong with them in a more contextualized sense, then comprehending the conditions which facilitate their existence is a crucial first step.

So, in conclusion, justice in nonideal theory operates as a moral ideal. This moral ideal can take on stricter or looser forms. But whether strict or loose, Mills' use of justice in nonideal theory proves problematic. It is either vulnerable to a Marxian critique in which a context-dependent idea is misrepresented as a universal ideal, or it must restrict its scope in such a way that it cannot produce principles of corrective justice. Finally, it is worthwhile to ask whether or not this juridical approach to social and political philosophy delivers a robust understanding of social and political reality. While some may argue that the task of political philosophy is identifying what is just, I fail to understand the practical importance of such an enterprise that does not take account of, in the broadest sense possible, 'the way things work.' This point is one,

after all, that Mills makes — namely, by not paying attention to nonideal realities, we ensure that we will not attain an ideal reality. Accordingly, I think that nonideal theory has a very important role to play. But to effectively carry out that role, nonideal theory would benefit from drawing on Marx, developing its skills of comprehension, and abandoning a project of justice-seeking and justice-adjudicating.

3 CRITIQUE WITHOUT JUSTICE

My account of the Marxian approach and my treatment of Mills raise several important questions and objections. I detail three of what I take to be the most pressing ones here.

3.1 Objection 1

The first and I think most immediate objection is, how can we criticize society *without* justice, i.e., *without* morality? Mills (2005) puts it the following way:

Theory necessarily requires abstraction, and to concede this realm to the adversary [i.e. the ideal theorist,] is an odd way of challenging him. Rejecting abstraction and generalism deprives one of the apparatus necessary for making general theoretical statements of one's own, and indeed of critiquing those same hegemonic misleading abstractions. One is ghettoizing oneself ... One also risks the dangers of relativism, which makes it difficult to affirm that, objectively, women and people of color are indeed oppressed ... In addition, the mainstream apparatus (for example, of justice and rights) then becomes a necessarily alien tool in the oppressor's arsenal, rather than a weapon to be used and turned against him. One can no longer demand gender or racial justice. (174)

Mills seems to be conflating *abstraction*, something that all theories and theorists must do, with *utilizing abstract moral categories*, something I believe is unnecessary and ultimately unhelpful.

First, it is unclear to me why I can't say that some group is oppressed *without* resorting to abstract moral principles like justice. Human traffickers oppress their slaves for a number of reasons: they frustrate their preferences, neglect their autonomy, treat them as objects, subject them to exceedingly unpleasant situations, etc. Highlighting the problems of human trafficking does not rely on justice — at least not justice as a moral ideal. And to condemn it as unjust in a moral sense brings us back to the problematic juridical view. As noted, there are innumerable problems with human trafficking, and it is not clear to me what labeling oppressive structures as unjust adds to the force of the criticism. Second and resultantly, attempting to wrest justice from

ideological perversion and reconceptualize it in order to then use it as a tool seems less helpful than straightforward criticism of flawed ideas and practices.

There are, I think, three distinct means by which we can criticize without appeals to morality: (i) immanent critique, (ii) critique of illusory or false beliefs, i.e., *Ideologiekritik*, and (iii) evaluative criticism that does not draw on moral abstraction.

Immanent or internal critique involves criticizing some belief, practice, policy, action, institution, etc., according to the standard by which that belief, practice, etc. in question measures itself. For example, criticizing slavery as unjust because violates the ‘all men are created equal’ belief of the slave society is an instance of immanent critique. That is, the society in question, e.g., Antebellum America, is failing to live up to its own standards insofar as it acts immorally according to the moral code that it itself espouses. Thus, we can criticize a given society on without tying ourselves to problematic conception of ideal justice if we offer an immanent or internal critique.

Ideologiekritik involves attacking the illusory or false beliefs upon which some further belief is based. For example, the idea that one group of people is intellectually inferior to some other requires some sort of empirical or theoretical support. Think of the 19th century practice of phrenology which held that investigations into the shape of the skull illustrated the inferior cognitive capacities of African slaves. Apologists for slavery could use pseudo-scientific evidence to justify the particularly odious treatment of slaves. Specifically, an apologist might argue that some aspect of the skulls of Africans showed them to be mere brutes, and thus they are meant to be slaves. Therefore, slavery is morally permissible. *Ideologiekritik* would seek to undermine not the moral claim about slavery but rather the bogus phrenological justification for it. The same approach can be taken to criticize those beliefs that we take to be good or natural or

universal which are in fact subservient to particular interests. Thus, we might say that the idea of the self-made man is an ideological perversion that neglects the interdependency and unequal opportunity within a given society by highlighting how that belief serves to maintain a particular power relation or structure. This tactic of investigating and evaluating false or illusory beliefs allows social criticism to avoid invoking problematic appeals to justice.

Immanent criticism and *Ideologiekritik*, unlike presupposing some conception of morality or justice, serve an emancipatory role. By investigating beliefs, as opposed to morally condemning them, we can reveal the nature and genesis of particular beliefs to those who hold them. There is something that appears more efficacious about seeking to reveal the inconsistencies, power dynamics, or illusions which serve to underpin false or problematic beliefs rather than attempting to replace one moral schema with another. Marx urged the “Reform of consciousness not through dogmas, but through analyzing the mystical consciousness, the consciousness which is unclear to itself” (15). In other words, criticism without justice can be used to peel back the layers that obscure problematic relations, institutions, actions, etc. In other words, let’s not just ask why the racist is wrong, but what’s wrong with the racist. Effectively addressing the former seems to require effectively assessing the latter.

For a more concrete example, consider Marx’s discussion of ‘the working-day.’ The working-day robs the worker of his life, both metaphorically and literally. Marx defines the working-day, *an abstraction*, as determined by the amount of labor required to obtain the daily means of subsistence — thus needs, production, and relations are all immediately taken into consideration. The problem Marx highlights is that, from the standpoint of the worker, for some occupations, the expenditure of labor-power in one working-day requires three additional days to

be replenished. Therefore, because there is a discrepancy obscured by the wage contract, the laborer has a claim against the capitalist for this unequal exchange. “You pay me for one day’s labour-power, whilst you use that of 3 days” (C:VI; 363). Marx concludes, however, that this situation is an instance of right against right: both parties have a legitimate claim since employers have a right to that which they have purchased. And, “Between equal rights,” Marx concludes, “force decides” (C:VI; 364). Marx has uncovered, through critique, something obscured by the wage-contract. The exchange between capitalist and laborer, which many in a capitalist society take to be an equal exchange, is not equal at all. Not only does the capitalist get away with a two-thirds discount on labor, but the presumed equal exchange also involves abject dependency, inequality of opportunity, perpetuation of such conditions, etc., — all of which are open to criticism.

Now, consider what Marx *doesn’t* say. There is no appeal to injustice here; nor is there any appeal to morality. Marx does not bring some abstract ideal to bear on a social relation. As such, his critique does not borrow from any evaluative system *external to* the mode of production. Furthermore, he neither condemns, nor imputes any ill-will to, the capitalist, — the capitalist is simply “capital personified” (C; 362). To criticize this relationship or exchange as *unjust* would take a distorted, one-sided view of the working-day and is for that reason unhelpful. Like oppression, then, we can criticize the working-day for a number of reasons that avoid abstract (and problematic) moral views. In the end, though, there is no single, objective, or unchanging normative measure that we can bring to bear on some unfortunate situation; we can, from Marx’s method, only seek to reveal what is problematic about some such situation. In outlining particular problems, however, we can arrive at possible solutions.

The third and final form of criticism that avoids justice and morality involves drawing several distinctions between types of morality. I do not have the space here to give a proper treatment of this idea, but will gesture at what I take to be its merits. Most notably, there is a sense in which when I criticize something I can do so from the standpoint of a moral theory or I can do so without one. Call the former *Morality** and the latter morality. *Morality** implies strong categorical claims while morality implies evaluative claims that do not necessarily presuppose abstract *Moral** conceptions (or conceptions of justice). *Morality** is a subset of morality. For example, I can criticize slavery from the standpoint of Kant's *Moral** theory. Slavery is wrong, then, because it treats human beings as objects as opposed to possessors of inherent dignity on the basis of their rational faculties. Explicit reliance on Kantian *Morality** seems to me to be an explicit endorsement of Kantian *Morality**. But as I mentioned at the outset, it is unclear to me whether condemning slavery on the basis of some evaluative moral reason commits me to a particular *Morality**. For example, if someone asks me what it is that makes slavery wrong, I will become inundated with responses: it frustrates interests, it robs humans of their capacity to choose, it is unfair, etc. But each of these reasons will be cashed out in terms of a conditional. Namely, if you think that human freedom is valuable, then you think slavery is wrong; alternatively, if you think slavery promotes misery and that misery is a bad thing, then you think slavery is wrong. It is also not apparent to me that happiness or freedom are necessarily *Moral** goods but aspects of human existence that we tend to think are valuable. And it is not clear to me that I draw on any abstract conception of justice or *Morality** if I say that freedom or happiness is valuable. Furthermore, I do not see the need to tie myself to any abstract conception of justice in order to condemn slavery. If, however, one is interested in asking what it

is about slavery that makes it wrong absolutely, i.e. *Morally**, I confess that I have no answer to that question.

If we take Marx to be correct or at least informative in his view of society as a totality, then there is an epistemic error associated with defending ‘the view from nowhere’ -- i.e., *Morality**. There is simply no space outside the totality from which to take this view. We will, instead, have to be satisfied with criticism that appeals to function, efficiency, fairness, etc., rather than appealing to ideals. And, just to be clear, criticizing something as, e.g., unfair or unequal does not entail appealing to some abstract *Moral** quality that supersedes all other considerations. Clearly, when Rawls uses the term fairness he uses it as a *Moral** ideal. But does fairness require this status? For example, sometimes when we say something is unfair we are simply saying that things are unequal and unjustified (where justified simply denotes reasonable as opposed to *made just*). If that is the case, it’s not clear to me that fairness needs to be an ideal; rather, it can simply be a precursor to a discussion concerning how things could be justifiably (i.e., reasonably) different. Further, that something is unfair does not imply that it necessitates some sort of reorganization. For example, sometimes fairness may itself (need to) be superseded by, e.g., efficiency or public welfare. Fairness is one evaluative quality among many from which we can draw and there is no reason why we should, nor any reason why we must, appeal to some universal, uniquely objective, unchanging metric.

The point of this section was to show that we possess resources for criticizing society that do not entail or require conceptions of justice or *Morality**. The first two resources I outlined, namely immanent critique and *Ideologiekritik*, offer clear methods of social criticism that avoid justice. My brief discussion of the distinction between *Morality** and morality is a position that might be problematic in ways I have yet to foresee. However, even if this is the

case, I maintain that immanent critique and *Ideologiekritik* are sound forms of criticism that neither depend on morality nor justice. In sum, one need not draw on morality or justice to effectively and critically engage with society and politics. Instead, criticism can seek to reveal that which is internally inconsistent, obscured, illusory, and, perhaps, draw on non-moral evaluative human goods.

3.2 Objection 2

The second objection takes the form of a question: namely, am I being fair to Mills? After all, doesn't he want to bring historical considerations into Rawls' Original Position and therefore use justice in a less idealized and more contextualized sense? My response is yes-and-no. It is true that Mills' use of justice is more concrete in that it incorporates history. But does this save him from worries about the juridical view? I'm not so sure. The problem, I think, is that Mills' historical additions to Rawls are vulnerable to Mills' own criticisms of ideal theory.

To use Mills' own language, by engaging in ideal theory, "we are abstracting away from realities crucial to our *comprehension* of the actual workings of injustice in human interactions and social institutions, and thereby guaranteeing that the [ideal] will never be achieved" (2005, 170; emphasis added). So, the criticism is that ideal theory (i) fails to comprehend how injustices work and (ii) resultantly ensures failure when it comes to realizing the ideal. Consider the following.

One of Mills' conclusions from his reconceptualized Rawlsian experiment is to "dismantle a racialized basic structure" (2017, 214). What does that entail? Mills seems to be hinting at some sort of reparations program. Indeed he writes in a separate chapter that "Reparations for African Americans ... would be an obvious example of such a racial justice

corrective policy” (2017, 113). And, if we are discussing whether or not some such program can be morally justified, I readily concede that the arguments for the necessity of reparations for African-Americans are convincing. The problem, however, is that Mills suddenly looks a lot like an ideal theorist devising principles of justice. They are, of course, more historically informed principles, but principles nonetheless. My question for Mills, then, is how his principles of corrective justice can avoid *this*, his own, criticism. After all, if devising principles requires abstraction, and abstraction is bad for comprehending the actual workings of injustice, then why is it that Mills’ abstraction is permitted while those of ideal theorists are not? To be sure, Mills’ abstractions incorporate more historical considerations, but they too must abstract from crucial realities. Mills must abstract from crucial realities in devising principles of justice *insofar as he is committed to reconceptualizing Rawls’ Original Position*. Think, again, about what Rawls’ veil of ignorance requires: namely, abstracting away from our conception of the good, our talents, our skin color, our gender, etc. By bracketing these aspects of ourselves, we focus on what is just instead of what is. In other words, we devise justifications for policies and procedures but we fail to investigate how bad ideas and policies fit within a network of needs, social relations, and other ideas. Thus, abstracting from crucial realities to identify the just often involves relegating the task of comprehension to a secondary status. And, if that task is relegated, as Mills points out, it hinders our ability to attain whatever ideal we are seeking.

Consider Glenn Loury’s treatment of reparations for African-Americans. Loury (2007) argues that Black Americans have little to gain, and very much to lose, by making reparations “the next civil rights rallying cry” (87). He explains that racial stigma “constitutes the deepest and most enduring historical harm done to blacks in the United States” (2007, 89). Because a reparations program will not address this issue, and will indeed likely exacerbate the problem,

Loury argues persuasively against reparations, urging instead for a deeper understanding of the historical injustices perpetrated against African-Americans in order to address ongoing stigmas rather than past crimes.

We can, of course, separate questions of what is right from what is desirable from what is practicable, but in so doing, we return to a central criticism of ideal theory: namely, that theory which does not engage with the complexities of society fails to understand society. The theory no longer has practical import! Again, this is not a problem in itself since theory does not necessarily require a practical moment; however, neglecting or overlooking the practicability or relevance of theory is a central issue for nonideal theorists like Mills and Farrelly. And so long as nonideal theory remains focused on what justice requires of our society while avoiding the complex nature of historical and ongoing social pathologies, we will, to put it in Mills-like terms, thereby guarantee that we do not bring about the society we desire.

Now, it is not as if Mills neglects history or social realities. In fact, he does a great service to nonideal theory by bringing historical considerations into the discussion. *But*, he does not break with a tradition that seeks to develop theories of what justice entails by abstracting from crucial social phenomena. In other words, he does not go far enough. Loury's analysis is immanent; it does not seek to bring principles to bear on some specific situation. It identifies an issue and evaluates potential policies and actions that will (and will not) address this issue. Mills, by contrast, asks a different question: namely, what does justice require if we take certain historical considerations into account but abstract from some contemporary social relations. He arrives at an answer: a particular imperative of (corrective) justice. But if Loury is right about the dangers of such a policy measure, does Mills' imperative help matters? It could, of course, be the case that Loury is incorrect, but Mills, insofar as he is seeking principles of justice, has not even

begun to investigate whether or not an analysis like Loury's is correct. As a result, Mills' nonideal theory lacks the comprehension that an immanent approach attains. And, because it lacks this comprehension, he is "thereby guaranteeing that the [ideal] will never be achieved" (2005, 170). In conclusion, his juridical approach seems to undermine his larger aims.

3.3 Objection 3

Objection 2 leads nicely to the final objection I want to address: namely, can't political philosophy be more than one thing? That is, can't political philosophy involve ideal theory, nonideal theory as complementary to ideal theory, Mills' and Farrelly's nonideal theory, *and* this Marxian/sociological approach? Why must we pick one?

First, I do not think that political philosophy needs to, or even should, be monolithic. At the same time, with the exception of some political realists, the justice-seeking and justice-adjudicating approach is dominant in political theory. Much of nonideal theory's attraction lies in its attempted break from ideal theory. I am only claiming that it could go farther by relinquishing what I take to be a problematic approach to political philosophy and thus providing an even more critical engagement with the complex realities of political philosophy.

As I noted in 3.2 we can separate moral questions from practicable questions and in so doing separate different approaches to political philosophy. At the end of the day, though, and as I have reiterated throughout, I do think that understanding the complexities, inconvenient realities, and interconnected nature of society serves as (i) a better basis for political philosophy than moral theory and (ii) informs the only sort of criticism we truly have available to us. It seems to me that comprehending the interconnected, interworking, and interdependent aspects of society, researching the processes by which they interact, identifying the way in which needs and

technology and ideas arise through those processes, and asking the relevant questions about these interactions — these aspects of social research taken together — have a certain priority over defining what justice is, serve to reveal why questions about justice are themselves highly problematic, and, perhaps most importantly, seem more likely to provide political philosophy with the tools to transform our social and political reality.

In spite of my emphasis on the Marxian approach, I readily concede that political philosophy has enough room for a number of methodologies, and it will be task of future scholarship to hone and develop some while relinquishing others.

CONCLUSION

It is important, in closing, to note that I do not in anyway think I am telling Mills something he does not know. He, after all, has a book of essays that discuss Marx and race. I think that Mills considers his line of attack, his project of reconceptualization, the most efficient. Since everyone must acknowledge the importance of Rawls for contemporary political philosophy, why not modestly argue that the Rawlsian project should be *rethought* rather than (overly) ambitiously claim that it needs to be *replaced*? This modest approach is very respectable, even admirable. And if it turns out that Mills' approach is the best for reigning in the hegemony of ideal theorizing, then he is right to take that route.

Politics, however, *is* about far more than justice. By simply highlighting and identifying what is unjust within a given society or historical moment, we fail to understand that which we are trying to judge. Actions, institutions, situations and other social phenomena have histories of development; they do not arise out of nowhere. Therefore, if we are to going to say what is wrong with them, or what we ought to do about them, we must do more than simply apply a contemporary, western, liberal, principle of justice — another social phenomenon which has its own historical development.

In place of the juridical view, I have advocated for appropriating certain aspects of Marx's method for the analysis of social and political phenomena. Doing so allows for a more comprehensive approach to political reality while simultaneously providing the ammunition for criticism. I have avoided advocating a 'Marxist' approach to the study of political theory since to do so could imply a wholesale use of his work and would therefore prove outdated. As Raymond Geuss (2009) explains,

the main problem of the Marxist analysis is that it oversimplifies the sources of conflict and division in the modern world. Instead of one main contradiction between workers and

capitalists, there is an almost unsurveyable variety of groups that are potentially or actually in conflict with each other. (2009; 19)

Understanding social phenomena in relation to its genesis and development seems much more helpful than appeals to abstract and vague ideals which have a tendency to overlook reality. In other words, the frontiers of social and political philosophy are far wider and messier than the juridical view acknowledges — just take a look at Foucault's work. There aren't simply good and bad citizens, just and unjust actions, principles, institutions, laws, etc. These things work together, *work on* each other, and cannot be fully understood or criticized without acknowledging their place, development, and function within a social totality.

If nonideal theory really wants to distance itself from problems of ideal theorizing, it would do better to fully embrace the complexity of social and political reality. Such courage would offer a real alternative to ideal theorizing, a *real political approach*. In the end, however, this requires relinquishing the juridical view.

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